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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/702,548	11/07/2003	Naozumi Sugimura	520.43239X00	8219
20457 7590 09/21/2007 ANTONELLI, TERRY, STOUT & KRAUS, LLP 1300 NORTH SEVENTEENTH STREET SUITE 1800 ARLINGTON, VA 22209-3873			EXAMINER ALUNKAL, THOMAS D	
			ART UNIT 2627	PAPER NUMBER
			MAIL DATE 09/21/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/702,548

Applicant(s)

SUGIMURA, NAOZUMI

Examiner

Thomas D. Alunkal

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-10, 12, 13 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-9, 12 and 15 is/are rejected.
- 7) ☒ Claim(s) 5, 10 and 13 is/are objected to.
- 8) ☒ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/2/07 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 7-8, 12 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Yoshiaki et al (hereafter Yoshiaki et al) (Japanese Publication 11-007722 (electronic translation provided)).

Regarding claim 1, Yoshiaki discloses a reproducing apparatus which reproduces information recorded on a recording medium (see Title), comprising: a pickup which reads information including medium identify information (inherently provided within the recording/reproducing apparatus and disc), a first content, and a second content recorded on the recording medium (Paragraph 0005, musical pieces

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and bonus information), wherein both the first content and the second content are audio visual information (Paragraph 0022), a reproducing signal processing circuit which reproduces the information read by the pickup (Paragraph 0009, decoding equipment), a memory which stores a plurality of recording identify information sets which have ever been processed by the reproducing signal processing circuit (Paragraph 0032, memory), and a controller which controls the reproducing apparatus (Paragraph 0040, control section); wherein the recording medium identify information includes an ID unique to the recording medium (inherently provided on the DVD); wherein said controller permits reproduction of the second content when the recording medium identify information stored in the memory satisfies a predetermined requirement (Paragraph 0009), and wherein the first content can be reproduced whether or not the recording medium identify information satisfies the predetermined requirement (Paragraph 0009).

Regarding claim 3, Yoshiaki discloses a program required for said decision processing is obtained from said recording medium (Paragraph 0011, program).

Method claims 7 and 8 are drawn to the method of using the corresponding apparatus claimed in claim 1. Therefore method claims 7 and 8 correspond to apparatus claim 1 and are rejected for the same reasons of anticipation as used above.

Regarding program claim 12, this claim recites limitations similar to those recited in claim 1 (namely, claim 1 recites a program for implementing process steps) and is rejected over the same grounds.

Regarding apparatus claim 15, this claim recites limitations similar to those in apparatus claim 1 and is rejected over the same grounds.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshiaki in view of Yokota et al. (hereafter Yokota)(US 6,580,647).

Regarding claim 2, Yoshiaki does not disclose wherein said memory is detachable. In the same field of endeavor, Yokota discloses a detachable memory a recording/reproducing apparatus with a detachable memory card.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to provide the detachable memory card of Yokota to the recording/reproducing apparatus of Yoshiaki, motivation being to provide authorization compatibility between multiple recording/reproducing apparatuses.

Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshiaki in view of Mitui et al. (hereafter Mitui)(US 6,937,553).

Regarding claims 4 and 9, Yoshiaki does not disclose wherein said controller can obtain information from an external device via a network and a program required for said decision processing is obtained from the external device via the network. In the

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same field of endeavor, Mitui discloses accessing a network to receive authentication information (Column 11, lines 47-52 and Figure 4, Elements 92 and 93).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to provide the authentication accessing means of Mitui to the recording/reproducing apparatus of Yoshiaki, motivation being to provide additional program access method when the program on the disc is corrupted.

Allowable Subject Matter

Claims 5, 10, and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 5, the prior art (see cited references) taken either singularly or in combination fails to anticipate or fairly suggest the reproducing apparatus according to claim 1, ***wherein said predetermined requirement includes a number of said recording medium identify information sets, stored in said memory, that are required to reproduce said second content.***

Regarding claim 10, the prior art (see cited references) taken either singularly or in combination fails to anticipate or fairly suggest the reproducing method according to claim 7, ***wherein said predetermined requirement includes a number of said recording medium identification sets, stored in the memory, that are required to reproduce said second contents.***

Regarding claim 15, the prior art (see cited references) taken either singularly or in combination fails to anticipate or fairly suggest the reproducing method according to claim 12, ***wherein predetermined requirement includes a number of said recording medium identification sets, read out from memory, that are required to reproduce said second contents.***

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Oshima (US 5,699,331) discloses an apparatus operating with recording medium according to positional information of a secret code. Ishibashi et al (US 6,522,607) disclose a recording device and method to prevent unwanted use of information. Oshima et al (US 5,805,551) disclose a method and apparatus for preventing illegal copy or illegal installation of information of optical recording medium. Takagi (US 5,652,741) disclose a data storage apparatus having data and parity media. Fujinami et al (US 6,385,152) disclose a recording apparatus including write protect level determining procedure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas D. Alunkal whose telephone number is (571)270-1127. The examiner can normally be reached on M-F 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on (571)272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thomas Alunkal/
Examiner AU 2627



WAYNE YOUNG
SUPERVISORY PATENT EXAMINER